

REMARKS

Applicant submits that the present amendment is fully responsive to the Office Action dated December 8, 2008 and, thus, the application is in condition for allowance.

By this reply, claims 12, 13, 15 and 16 have been amended. Claims 1-11 were previously cancelled. Claims 12-16 remain pending. Of these, claims 12 and 13 are independent. An expedited review and allowance of the application is respectfully requested.

In the outstanding Office Action, claims 13 and 16 were rejected under 35 U.S.C. § 102(e) as being anticipated by Baw (US 2004/0105434). It is asserted that Baw discloses a cellular network comprising call handoff circuitry to determine when a call handoff switch from an 802.1x network to the cellular network is to occur and to communicate with a media gateway to cause the call handoff to occur. Applicant respectfully traverses.

With respect to independent claim 13, Baw does not disclose or fairly suggest the present invention as recited in the pending claims. For example, Baw fails to teach or suggest a cellular network comprising call handoff circuitry to determine when a first signal strength from an 802.1x network falls below a first threshold, and determine when a second signal strength of a cellular network rises above a second threshold. This is disclosed in paragraph [0025] of the specification of the present application and found within independent claim 13 as amended. Signal strength determination is useful in determining when it is appropriate to hand off the connection from an 802.1x network to a cellular network. Thresholds are useful to set the limits of handoffs so that handoffs only occur when necessary. Baw does not mention applying one or more threshold levels to the signal strengths to the extent of determining when a handoff is appropriate. Baw merely mentions that “The Invention 10 will execute a proprietary algorithm that compares these various parameters and decide on when to make the handoff” (paragraph

0204). However, nothing in Baw is enabling as to any specific algorithms, and there is no mention of any thresholds in signal strength to be used in such an algorithm.

Furthermore, Baw fails to teach or suggest a cellular network comprising call handoff circuitry to determine the position of a handoff selector switch. This is disclosed in paragraphs [0029] and [0030] of the specification of the present invention and found within independent claim 13 as amended. A handoff selector switch allows a user to override an automatic handoff. The call handoff circuitry must determine the position of the handoff selector switch to ensure a handoff is not made where the user does not desire a handoff. Baw does not disclose a selector switch, any other manual override to a handoff, or a cellular network with circuitry for determining the status of such a switch or override. Therefore, Baw does not disclose every element contained in the independent claims and thus cannot anticipate them.

Baw does not teach all of the elements in the independent claims. Hence, the dependent claims, which depend therefrom, also are patentably distinct from Baw. For this reason, Applicant respectfully requests withdrawal of the rejection.

In the outstanding Office Action, claims 12, 14, and 15 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Pan et al. (US 2004/0192294) in view of Segal et al. (US 2005/0047435). It is asserted that Pan discloses an 802.1x network comprising an access point and comprising logic configured to determine when a call handoff switch from the 802.1x network to a cellular network is to occur and to communicate with a media gateway to cause the call handoff switch to occur. It is also asserted that Pan does not disclose an 802.1x network comprising a server, but that Segal does disclose an 802.1x network comprising a SIP CCF for handling communications external to, as well as internal or inside the WLAN. In case of a

handover, it is asserted that the SIP CCF would transfer the new call to the WAN using the cellular address. Applicant respectfully traverses.

With respect to independent claim 12, neither Pan nor Segal discloses or fairly suggests the present invention as recited in the pending claims. For example, neither Pan nor Segal teaches or suggests an 802.1x network comprising a server, the server comprising logic configured to determine the position of a handoff selector switch. This is disclosed in paragraphs [0029] and [0030] of the specification of the present application and found within independent claim 12 as amended. A handoff selector switch allows a user to override an automatic handoff. The call handoff circuitry must determine the position of the handoff selector switch to ensure a handoff is not made where the user does not desire a handoff. Segal discloses a SIP CFF integrated into a WLAN (p. 0014), and in no way overcomes the deficiencies of Pan. Neither Pan nor Segal discloses a selector switch, any other manual override to a handoff, or a cellular network with circuitry for determining the status of such a switch or override. Therefore, Pan in view of Segal does not disclose every element contained in the independent claims and thus cannot render them unpatentable.

Because neither Pan nor Segal, alone or in combination, teach all of the elements in the independent claims, the dependent claims, which depend therefrom, also are patentably distinct from any prior art of record. For this reason, Applicant respectfully requests withdrawal of the rejection. Furthermore, there is no motivation to combine any of these references outside of Applicant's own disclosure. Even if they were combinable, *arguendo*, the combination would not be able to obviate the present invention for at least the reasons set forth above. Thus, the rejection of the claims should be withdrawn.

Applicant respectfully requests an interview with the Examiner to present more evidence of the unique attributes of the present invention in person. As all of the outstanding rejections have been traversed and all of the claims are believed to be in condition for allowance, Applicant respectfully requests issuance of a Notice of Allowance. If the undersigned attorney can assist in any matters regarding examination of this application, Examiner is encouraged to call at the number listed below.

Respectfully submitted,

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